

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

HARVEY SANDE,  
Plaintiff,

v.

BERKSHIRE LIFE INSURANCE  
COMPANY OF AMERICA,  
Defendant.

Case No. 14-cv-03736-YGR

**ORDER DISMISSING CASE FOR  
FAILURE TO PROSECUTE**

On September 26, 2014, the Court issued an Order regarding Plaintiff's Failure to File an Opposition to Defendants' Motion to Dismiss, and allowed Plaintiff until October 10, 2014 to file an opposition. (Dkt. No. 13.) Plaintiff was warned that failure to file an opposition would result in dismissal of this action for failure to prosecute. To date, Plaintiff has not filed an opposition.

Accordingly, pursuant to Federal Rule of Civil Procedure 41, this action is **DISMISSED WITHOUT PREJUDICE** for failure to prosecute.

**IT IS SO ORDERED.**

Dated: October 17, 2014

  
YVONNE GONZALEZ ROGERS  
United States District Judge